

REMARKS

Reconsideration of the rejection set forth in the Office Action is respectfully requested. By this amendment claims 2-3 and 6-7 have been canceled without prejudice or disclaimer and claims 1, 4-5, 8-10, and 12 have been amended. Currently, claims 1, 4-5, and 8-12 are pending in this application.

Claim objections

The Examiner objected to claim 1 and suggested that the word “also” be removed from this claim. Applicants have redrafted claim 1 rendering this rejection moot.

Rejection under 35 USC 112, second paragraph

Claim 1 was rejected under 35 USC 112, second paragraph as indefinite. Specifically, the Examiner noted that the use of the term “simultaneously” implies that two or more elements are used at the same time, while the phrase “may use either” implied that only one was in use. This was deemed to be inconsistent. Applicants have redrafted claim 1 to focus on an embodiment where both connections on the network are primary active connections that can both be used simultaneously by the wireless client. In view of these amendments, it would appear that the rejection is moot. Applicants have redrafted the claims in a way that is believed to be definite within the requirements of 35 USC 112, second paragraph. If the Examiner notices any deficiencies in this regard, the Examiner is invited to contact the undersigned to discuss alternative phraseology that would be acceptable to the Examiner to help expedite prosecution of this application.

Rejection under 35 USC 102

Claims 1-12 were rejected under 35 USC 102(e) as unpatentable over Katz (U.S. Patent Application Publication No. 2006/0291455). This rejection is respectfully traversed in view of the amendments to the claims and the following arguments.

The claims have been amended to focus on an implementation in which the wireless client forms two primary active affiliations with two or more primary wireless access points which the wireless client uses simultaneously to communicate on the network. Support for the amendments may be found, for example, in paragraph 42 of the application. Specifically, according to an embodiment of the invention, the wireless client forms two active affiliations

that the wireless client uses to transmit data to and receive data from two active primary wireless access points. This is not done in a handoff context, but rather during normal operation as the wireless client is communicating on the wireless network.

Katz teaches a system where a mobile device (subscriber unit) is able to establish communication with a new serving access point prior to disconnecting the connection with the old access point during a handoff. The portions of Katz cited by the Examiner explain this functionality in greater detail. However, Katz does not teach or suggest that the subscriber unit should affiliate with more than one access point during normal operation on the network other than in a handoff situation.

Applicants have amended independent claim 1 to recite that the wireless client obtains both first and second primary active affiliations with first and second primary wireless access points. Both of these “primary active affiliations” are further defined in amended claim 1 as providing ongoing communication services to the wireless client by sending data to the wireless client and receiving data from the wireless client on the first primary active affiliation.

Since Katz teaches that the wireless client should establish communication with a second serving wireless network before disconnecting its connection to the first wireless network in a handoff context, applicants have further amended claim 1 to recite that the method includes the step of “maintaining and using, by the wireless client, the first primary active affiliation between the wireless client and the first primary wireless access point in the wireless local area network and the second primary active affiliation between the wireless client and the second primary wireless access point in the wireless local area network during a period of operation of the wireless client when the wireless client is not engaging in a handoff process between access points.” (emphasis added). This claim amendment clarifies that the wireless client not only obtains the two primary active affiliations with different access points, but that the wireless client uses these active affiliations during normal operation on the network, and not only during a handoff period. Conforming amendments have been made to the dependent claims. Since Katz does not operate in this manner, applicants respectfully submit that the amended claims are patentable over Katz.

Conclusion

Applicants respectfully submit that the claims pending in this application are in condition for allowance and respectfully request an action to that effect. If the Examiner believes a

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telephone interview would further prosecution of this application, the Examiner is respectfully requested to contact the undersigned at the number indicated below.

No fees are believed due in connection with this application. If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 141315 (Ref. 16155ROUS01U).

Respectfully Submitted

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